

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 238 - SB 555

March 30, 2009

SUMMARY OF BILL: Creates a new Class E felony offense for a person knowingly to possess a vicious dog if the person has a prior felony conviction involving the use or attempted use of force, violence, or a deadly weapon. Defines vicious dog as a dog with a propensity to attack, to cause serious bodily injury, to otherwise endanger the safety of humans without provocation, or that is trained to fight, attack, kill, or has been used to fight.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$5,581,000/Incarceration*

Assumptions:

- According to the Tennessee Bureau of Investigation's Crime Report for 2007, there were a total of 135,557 arrests for crimes involving force, violence, or a deadly weapon.
- According to the Department of Correction (DOC), 42 percent of offenders will re-offend within three years of their release. A recidivism discount of 42 percent has been applied to this estimate to account for the impact of offenders who would re-offend under current law within the additional time added by this bill. It is assumed that the re-offender would have committed the subsequent offense at the same felony level as under current law (135,557 offenders x 42% recidivism discount = 56,934 offenders). DOC estimates 50 percent (28,467) of those 56,934 arrests would result in convictions. DOC estimates one-half of one percent (142) of 28,467 would own a vicious dog.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will result in 15 additional offenders. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 157 offenders.
- According to DOC, the average operating cost per offender per day for calendar year 2009 is \$59.80. According to DOC, the average post-conviction time served for a Class E felony is 1.63 years. The cost per offender at 1.63 years is \$35,548.11 (\$59.80 x 594.45 days). The total


additional operating cost for 157 offenders is \$5,581,053.27 (\$35,548.11 x 157).

- Any impact to caseloads in state trial courts can be accommodated within existing judicial resources.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/lsc